

1 this action cannot proceed in this court. Plaintiff is now attempting to resolve this action in the
2 state system.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The Findings and Recommendations issued by the Magistrate Judge on April 12, 2005
5 are ADOPTED IN FULL;
6 2. This action is DISMISSED without prejudice.

7
8 IT IS SO ORDERED.

9 **Dated: May 18, 2005**
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE